

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-15062-2017
Date of decision: 13.11.2018**

Navdeep Singh @ Nikka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 54 dated 28.04.2016, under Sections 302, 303, 120-B of the IPC and Section 25/54/59 of the Arms Act, registered at Police Station Kurali, District S.A.S. Nagar.

Learned counsel for the petitioner submits that petitioner is in judicial custody since 07.05.2016 and he is not involved in any other case.

Learned counsel for the petitioner further submits that petitioner was not named in the FIR and as per the version in the FIR, complainant Jagjeet Singh has alleged that in October, 2009, Sukhvir Singh @ Sukhu and his brother Lakvir Singh @ Golu along with other accomplices had murdered Kamaljit Singh and Dharminder Singh. Kamaljit Singh was married in the village of the complainant and son of the complainant, namely Parminder Singh, had prosecuted his murder case and Sukhvir Singh @ Sukhu and his brother Lakvir Singh @ Golu were

convicted in that case and on account of that, they were keeping enmity with the son of the complainant. It is further stated in the FIR that Parduman Singh @ Pinka and Davinder Singh @ Vicky Numberdar are also the accomplices of above mentioned Sukhvir Singh @ Sukhu and Lakvir Singh @ Golu and on a previous occasion, they had quarreled with complainant's son Parminder Singh and all these four persons in a well planned conspiracy have murdered Parminder Singh.

Learned counsel for the petitioner further submits that thereafter a supplementary statement of the complainant was recorded in which name of the petitioner figured for the first time with the allegations that the petitioner, through his phone, was giving information of the movements of complainant's son on 28.04.2016 to Lakvir Singh @ Golu, who was riding Pulsar motorcycle bearing registration number CH-03-L-3328 and rammed the same into the Bullet motorcycle of the complainant's son, which was bearing registration number PB71-7839, from the back side and when son of the complainant fell down along with his motorcycle, Lakvir Singh @ Golu inflicted injuries to him with several blows of iron knife and fled away from the spot by riding pillion on the motorcycle of petitioner Navdeep Singh @ Nikka.

Learned counsel for the petitioner further submits that thereafter, while submitting the report under Section 173 Cr.P.C., the Inspector/SHO recorded the statement of Ex-Sarpanch Amar Singh regarding extra judicial confession made by the petitioner about the incident. It is argued that while appearing as PW-1, complainant Jagjeet Singh has made certain improvements by stating as under:

“.....It was Lakhvir Singh Golu on his Pulsar

Motorcycle bearing No. CH-03-L-3328 who inflicted injury to my son who was riding on his bullet motorcycle bearing No. PB-71-7879 while hitting from back side and threw him to the ground. While my son Parminder Singh was still lying on the ground Lakhvir Singh @ Golu and Navdeep Singh accused gave him Kirch blows and fled away from the spot, leaving my son in injured condition on the motorcycle of Navdeep Singh @ Nikka towards the direction of fountain chowk with his Helmet and Kirch....”

Learned counsel for the petitioner, thus, argues that in the first instance while appearing in the Court, complainant has alleged that the petitioner had also given Kirch blows to his son Parminder Singh which is clear improvement made by him.

Learned counsel for the petitioner has placed on record certified copy of the orders dated 01.11.2018 and 12.11.2018 to submit that the alleged eye-witness, namely Surinder Singh, has been given up by the public prosecutor being won over and even on an earlier occasion, another witness, namely Ex. Sarpanch Amar Singh, was given up, before whom the petitioner has allegedly made extra judicial confession.

Learned counsel for the petitioner has further argued that prosecution has also moved an application under Section 319 Cr.P.C. for summoning two other accused persons i.e. Davinder Singh and Parduman Singh, who were named in the FIR, and on the basis of the version given in the FIR, these two accused persons have already been summoned and, therefore, it will be a debatable issue before the trial Court that either to believe the version given in the FIR or in the statement made by the complainant as PW-1.

Learned State counsel, on instructions from ASI Avtar Singh, has not disputed the factual position and submitted that out of total 26 prosecution witnesses, 11 have been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions and also in view of the fact that petitioner is in judicial custody since 07.05.2016; he is not involved in any other case; two of the prosecution witnesses have already been given up and also considering the fact that conclusion of the trial is likely to take some time; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

November 13, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No